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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/646,775

08/25/2003

Masaaki Hara

NIT-394

1105

7590

08/18/2006

MATTINGLY, STANGER & MALUR, P.C.  
SUITE 370  
1800 DIAGONAL ROAD  
ALEXANDRIA, VA 22314

EXAMINER

LOVEL, KIMBERLY M

ART UNIT

PAPER NUMBER

2167

DATE MAILED: 08/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/646,775		HARA ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Kimberly Lovel		2167	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 May 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 7-9 and 13-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-9 and 13-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. This communication is responsive to the Amendment filed 24 May 2006.
2. Claims 7-9 and 13-15 are pending in this application. Claims 7 and 13 are independent. In the Amendment filed 24 May 2006, claims 1-6 and 10-12 have been cancelled; claim 7 has been amended; and claims 13-15 have been added. This action is made Final.
3. The rejections of claims 7-9 as being unpatentable over US PGPub 2004/0102958 to Anderson in view of US Patent No 6,728,706 to Aggarwal et al have been maintained. Rejections of claims 13-15 as being unpatentable over US PGPub 2004/0102958 to Anderson in view of US Patent No 6,728,706 to Aggarwal et al have been added.

### *Claim Objections*

4. Claims 8-9, which are dependent on claim 7 are objected to because the terminology in each preamble is inconsistent with the terminology in claim 7. The claims state "a document retrieval support method according to claim 7" whereas claim 7 states "a computer-based document retrieval method."

Appropriate correction is required.

Finality of an Office action would be rendered premature only by the introduction of new grounds of **rejection**, but not by the introduction of new grounds of **objection**.

See MPEP § 706.07(a).

***Claim Rejections - 35 USC § 101***

5. The 35 USC § 101 rejections of claims 2, 6 and 10 have been withdrawn as necessitated by the amendment.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over US PGPub 2004/0102958 to Anderson in view of US Patent No 6,728,706 to Aggarwal et al.

**Referring to claim 7**, Anderson teaches a computer-based document retrieval method. In particular, Anderson discloses a computer-based document retrieval method, comprising the steps of:

receiving first characteristic terms from a user (see paragraph [0056], lines 1-7; paragraph [0071], lines 1-5; and Fig 6, item 641 – the new document which is entered by the user is considered to represent the first characteristic terms);

performing a search process on said first characteristic terms and displaying the result of said search process on a screen (see paragraphs [0033]-[0034] – item 706 of Fig 7 is considered to represent the results);

comparing said first characteristic terms and said second characteristic terms (see paragraphs [0033]-[0037] and Fig 7); and

displaying the result of said comparison on the screen (see paragraphs [0033]-[0037] and Fig 7 – Fig 7, item 703 displays the difference between item 700 and item 706).

Anderson fails to teach the further limitation wherein a second search is performed on the results of the first search. Aggarwal et al teaches a method of searching a database including the further limitation of receiving second characteristic terms which are entered by the user in accordance with the result of said search process, the user identifying items shown on the screen displaying the result to indicate second characteristic terms (see column 3, line 60 – column 4, line 19 – section (b) and (c) describes the user performing a first search and the displaying of the first set of results; section (d) describes receiving user feedback from the first set of results which is considered to represent the user identifying items shown on the screen to indicate second characteristics terms; section (e) describes providing the user with a refined set of results).

It would have been obvious to one of ordinary skill at the time the invention was to utilize Aggarwal et al's method of refining a search with Anderson's method of document retrieval. One would have been motivated to do so in order to retrieve documents that would increase the efficiency of retrieving documents that describe the users request (Anderson: see paragraph [0011]).

**Referring to claim 8**, the combination of Anderson and Aggarwal et al (hereafter Anderson/Aggarwal) discloses a document retrieval support method according to claim 7, wherein displayed characteristic terms classified solely as said second characteristic

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terms are differentiated from the other characteristic terms when said first characteristic terms and said second characteristic terms are compared (Anderson: see paragraph [0037] and Fig 7, item 703 – the terms that are solely second characteristic terms are differentiated by double underscored text).

**Referring to claim 9**, Anderson/Aggarwal discloses the document retrieval support method according to claim 7, wherein characteristic terms classified solely as said second characteristic terms are assigned an increased weight setting when said first characteristic terms and said second characteristic terms are compared (Aggarwal: see column 9, lines 27-63).

**Referring to claim 13**, Anderson discloses a computer-based document retrieval system, comprising:

means for receiving first characteristic terms from a user (see paragraph [0056], lines 1-7; paragraph [0071], lines 1-5; and Fig 6, item 641 – the new document which is entered by the user is considered to represent the first characteristic terms);

means for performing a search process on said first characteristic terms and displaying the result of said search process on screen (see paragraphs [0033]-[0034] – item 706 of Fig 7 is considered to represent the results);

means for comparing said first characteristic terms and said second characteristic terms (see [0033]-[0037] and Fig 7); and

means for displaying the result of said comparison on the screen (see paragraphs [0033]-[0037] and Fig 7 – Fig 7, item 703 displays the difference between item 700 and item 706).

Anderson fails to teach the further limitation wherein a second search is performed on the results of the first search. Aggarwal et al teaches a system of searching a database including the further limitation of means for receiving second characteristic terms which are entered by the user in accordance with the result of said search process, the user identifying items shown on the screen displaying the result to indicate second characteristic terms (see column 3, line 60 – column 4, line 19 – section (b) and (c) describes the user performing a first search and the displaying of the first set of results; section (d) describes receiving user feedback from the first set of results which is considered to represent the user identifying items shown on the screen to indicate second characteristics terms; section (e) describes providing the user with a refined set of results).

It would have been obvious to one of ordinary skill at the time the invention was to utilize Aggarwal et al's feature of refining a search with Anderson's system for document retrieval. One would have been motivated to do so in order to retrieve documents that would increase the efficiency of retrieving documents that describe the users request (Anderson: see paragraph [0011]).

**Referring to claim 14**, Anderson/Aggarwal discloses the computer-based document retrieval system according to claim 13, wherein characteristic terms are classified solely as said second characteristic terms are differentiated from the other characteristic terms when said first characteristic terms and said second characteristic terms are compared (Anderson: see paragraph [0037] and Fig 7, item 703 – the terms

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that are solely second characteristic terms are differentiated by double underscored text).

**Referring to claim 15**, Anderson/Aggarwal discloses the computer-based document retrieval system according to claim 13, wherein characteristic terms classified solely as said second characteristic terms are assigned an increased weight setting when said first characteristic terms and said second characteristic terms are compared (Aggarwal: see column 9, lines 27-63).

### ***Response to Arguments***

7. Applicant's arguments filed 24 May 2006 have been fully considered but are not persuasive.

Referring to applicant's remarks on page 8 regarding the Section 103 rejection of claim 7: Applicant argues that "The deficiencies in Anderson are not overcome by resort to Aggarwal et al ... Aggarwal et al neither disclose nor suggest the selection of second characteristic terms."

The Examiner respectfully disagrees. Aggarwal et al discloses the limitation of receiving second characteristic terms which are entered by the user in accordance with the result of said search process, the user identifying items shown on the screen displaying the result to indicate second characteristic terms (see column 3, line 60 – column 4, line 19 – section (b) and (c) describes the user performing a first search and the displaying of the first set of results; section (d) describes receiving user feedback from the first set of results which is considered to represent the user identifying items



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shown on the screen to indicate second characteristics terms; section (e) describes providing the user with a refined set of results).

**Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly Lovel whose telephone number is (571) 272-2750. The examiner can normally be reached on 8:00 - 4:30.

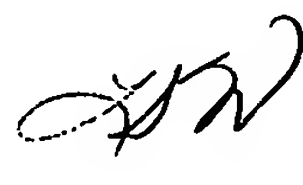
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kimberly Lovel  
Examiner  
Art Unit 2167

kml  
8 Aug 2006

  
JOHN COTTINGHAM  
SUPERVISORY PATENT EXAMINER  
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 15 August 2006